

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Commissioner of Commercial Tax – Allegations of certain irregularities committed by Sri V. Thimmaiah, former ACTO O/o. Commercial Tax Officer, Narasapuram now CTO (Retd) and two others – Departmental Proceedings initiated – IA appointed – IR received – Charge proved – Imposing the Punishment of 25% cut in pension for period of 2 years against Sri V. Thimmaiah, CTO (Retd), besides recovery of amount of Rs.1,85,347/- and other dues if any – Orders - Issued.

REVENUE (VIGILANCE.II) DEPARTMENT

G.O.Rt.No.908

Dated:04-09-2017

Read the following:-

- Ref:-1.From CCT Ref.No.V1/502/2007, Dt: 31-05-2007.
2.G.O.Ms.No.428, Rev(Vig.II) Dept, Dt.04.03.2009.
3.G.O.Ms.No.429, Rev(Vig-II) Dept., Dt.04.03.2009
4.G.O.Ms.No.405, Rev(Vig.II) Dept, Dt.04.03.2009,
(V.Surya Mohan Rao, DCTO-II, (retd.))
5.G.O.Ms.No.406, Rev(Vig.II) Dept, Dt.04.03.2009,
(V.Thimmaiah, ACTO (Retd.,))
6.G.O.Ms.No.408, Rev(Vig.II) Dept, Dt.04.03.2009,
(D.Sreerama Murthy, Jr.Asst.)
7. Govt Memo.No.24722/Vig.II(3)/2008-6,Dt.18.10.2010.
8.Representation of Sri V.Thimmaiah, ACTO(Retd),Dt.29.10.2010
9.Govt.Memo No.24722/Vig.I(1)/08-9,Dt: 04-03-2011.(SCN
V.Surya Mohan Rao, DCTO-II,(retd)&V.Thimmaiah,ACTO(Retd))
10.Representation of Sri V.Thimmaiah, ACTO(Retd), Dt.14.03.2011
11.Govt.Memo No.24722/Vig.I(1)/08-10,Dt: 24-05-2011.
12.From the CCT, Lr No.V1/502/2007, Dt.19.06.2012
13.Govt.Memo No.24722/Vig.I(1)/08-12 to 14, Dt: 13-09-2012.
14.Representation of Sri V. Thimmaiah, Dt.18.10.2012.
15.From CCT Ref.No.V1/502/2007,Dt: 29-11-2012.
16.Govt.Memo No.24722/Vig.I(1)/2008-16,Dt: 15-12-2012.
17.Govt.Memo No.24722/Vig.I(1)/2008-17,Dt: 09-12-2014.
18.From the CCT, Lr.No.V1/502/2007, Dt.06.04.2017.
19.From the APPSC, Lr.No.525/DC&C/1/2017, Dt.11.07.2017.

ORDER:

Whereas, as per the report received from the Commissioner of Commercial Taxes, vide reference 1st read above, Government have initiated common disciplinary proceedings against Sri V. Thimmaiah, Commercial Tax Officer formerly Assistant Commercial Tax Officer O/o Commercial Tax Officer, Narasapuram along with two (2) other Commercial Tax personnel, vide reference 2nd to 6th read above, on the allegations of misuse of way bills in collusion with dealer Sri K. Nagaraju alias K.Nagaraju Prasad (M/s.Ganesh Traders, West Godavari District).

2. The following charge was framed against Sri V.Thimmaiah, Commercial Tax Officer, O/o.Commercial Tax Officer, Narsapuram, (Charged Officer-2):-

Charge: That Sri V. Thimmaiah, Commercial Tax Officer, Alcotgardens Circle, Rajahmundry while functioning as Assistant Commercial Tax Officer, Narsapuram, West Godavari District during the years 2002-2003 & 2003-2004 issued Registration Certificate to M/s. Ganesh Traders, Mogaltur without verifying the genuineness of the applicant for Registration Certificate to deal in Coconuts and the business premises of the dealer. He failed to contain malpractices committed by the dealer. Thus he exhibited lack of integrity and devotion to duty thereby contravene the rule 3 of Andhra Pradesh Civil Services (Conduct) Rules 1964.

3. Sri V. Thimmaiah, Commercial Tax Officer and other two Charged Officers have submitted their Written Statement of Defences denying the charges. After examination of the matter a regular inquiry was ordered

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against the Charged Officers. The Inquiry Officer conducted the inquiry and submitted the inquiry report stating that the charges framed against the charged officers are held proved. The Inquiry Report has been communicated to the Charged Officers vide reference 7th read above and Sri V.Thimmaiah, submitted his representation vide reference 8th read above. Government, after examining the matter have provisionally decided to impose penalty on the charged officers. In respect of Sri V. Thimmaiah, Commercial Tax Officer (Retired) it has been decided to impose a penalty of 25% cut in pension for period of 2 years against him. Accordingly Show Cause Notice has been issued to V.Thimmaiah, Commercial Tax Officer (Retired). In reply to the above, Sri V.Thimmaiah, Commercial Tax Officer (Retired) has submitted his representation vide reference 10th read above.

4. Further, the Commissioner of Commercial Taxes vide letter in reference 12th read above, has stated that the loss caused due to misuse of way bills is Rs.5,29,563/- and when the amount was apportioned among the three Charged Officers, the apportioned amount to be recovered from Sri V. Thimmaiah, Commercial Tax Officer (Retired) (being @ 35% of the amount) comes to Rs.1,85,347/-.

5. Whereas the Government have issued further Show Cause Notices to three Charged Officers vide reference 13th read above for recovery of the said amount. In reply, Sri V. Thimmaiah and two other Charged Officers have submitted representations. Further, the Government, have requested Commissioner of Commercial Taxes to offer his specific remarks on the representation of the Charged Officers regarding the loss amount mentioned at para 4 above. The Commissioner of Commercial Taxes, vide letter in the reference 18th read above has concluded that the total tax due is Rs.5,29,563/-.

6. Whereas, the Government have examined the explanation of Sri V. Thimmaiah, Commercial Tax Officer (Retired) and found the same is not convincing. As such, the Government has decided to confirm the proposed decision of imposing the penalty of 25% cut in pension for a period of 2 years in respect of Sri V. Thimmaiah, Commercial Tax Officer (Retired) besides recovery of apportioned loss of amount of Rs.1,85,347/- Further the Andhra Pradesh Public Service Commission vide their letter in the reference 19th read above has agreed with the proposal of the Government to impose penalty of 25% cut in pension for a period of 2 years.

7. Accordingly, Government, hereby order to impose the penalty of 25% cut in pension for a period of 2 years besides recovery of apportioned loss amount of Rs.1,85,347/- and other dues if any against Sri V. Thimmaiah, Commercial Tax Officer (Retired).

8. The Commissioner of Commercial Taxes shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO

SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To

Sri V. Thimmaiah, formerly Assistant Commercial Tax Officer (Retired),
O/o Commercial Tax Office, Narasapuram, now Commercial Tax Officer
(Retired) (Through Commissioner of Commercial Taxes, Andhra Pradesh,
Eedupugallu, Vijayawada)

The Commissioner of Commercial Taxes, Andhra Pradesh, Vijayawada.

Copy to:

The Deputy Commissioner, Commercial Taxes, Eluru, West Godavari District.

The Accountant General, Andhra Pradesh, Hyderabad.

The Director of Treasury and Accounts, Andhra Pradesh, D.No.7-57,

Sri Anjaneya Towers, VTPS Road, Ibrahimpatnam, Vijayawada-521456.

The District Treasury Officer, West Godavari District, Eluru & East Godavari District, Kakinada .

SC/SF.

//FORWARDED :: BY ORDER//

SECTION OFFICER